IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Charles T. Esmon and Naomi L. Esmon

SERIAL NO: 07/730,040 ART UNIT: 182

FILING DATE: July 12, 1991 EXAMINER: P. Hutzell

FOR: MONOCLONAL ANTIBODY AGAINST PROTEIN C

Commissioner of Patents
and Trademarks
Washington,D.C. 20231

OFFICIAL
NAJ
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DECLARATION UNDER 37 C.F.R. §1.132

Sir:

We, Naomi L. Esmon and Charles T. Esmon, hereby declare that:

1. We reaffirm the statements made in our previous Declaration under 37 C.F.R. §1.132 signed August 26, 1991.

2. In addition, we have now tested an additional fusion including 240 additional wells for an antibody with the claimed characteristics of the HPC-4 antibody. Thirty three (33) cell lines derived from this fusion and fusion #77 (included in the table of the previous Declaration) were tested for reactivity both in the presence of calcium and the presence of EDTA to (a) the zymogen, protein C; (b) activated protein C (which HPC-4 does not bind); (c) reduced, carboxymethylated protein C; (d) protein C in the presence of 1, 5 or 10 μM of the HPC-4 peptide epitope and; (e) bovine protein C (which HPC-4 does not bind).

3. None of the wells tested were positive for the claimed characteristics of the HPC-4 antibody. That is, none: (a) bound the human protein C zymogen or reduced-carboxymethylated form of

the zymogen but not the activated form of protein C AND (b) bound the zymogen only in the presence of calcium AND (c) bound the peptide epitope of the HPC-4 antibody in a calcium dependent manner (as indicated by the competition experiments described above in section (d) of paragraph 2) AND (d) did not recognize the bovine protein.

4. It is respectfully emphasized that the wells tested in this manner are in addition to the 1,343 wells of human protein C fusions previously shown not to ultimately yield an antibody which behaved like the claimed HPC-4 antibody. Accordingly, over 1,580 hybridomas have been tested and fail to produce an antibody having the characteristics of the claimed HPC4 antibody.

5. We declare that all statements made herein of our own knowledge are true. These statements are made with the knowledge that willful false statements are punishable by fine or imprisonment under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date _____ _____
Naomi L. Esmon

Date _____ _____
Charles T. Esmon